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Attorneys for Peggy Thornton

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA
13 *ex rel.* PEGGY THORNTON, Relator,

14 and

15 PEGGY THORNTON,

16 Plaintiff,

17 v.

18 PORTOLA DEL SOL OPERATOR, LLC, a
19 foreign limited-liability company; TMIF II
20 PORTOLA, LLC, a foreign limited-liability
company; APARTMENT MANAGEMENT
21 CONSULTANTS, LLC, a foreign limited
liability company, and RENE
22 RICHARDSON, as AGENT of PORTOLA
23 DEL SOL OPERATOR, LLC.

24 Defendants.
25

No.: 2:21-CV-01123 -APG-BNW

MOTION TO ENLARGE TIME TO
SERVE SUMMONS
AND COMPLAINT – 5th REQUEST

26
27 COMES NOW, Plaintiff, Peggy Thornton, by and through her attorneys, Elizabeth S.
28 Carmona, Esq., Kristopher S. Pre, Esq., and Peter C. Wetherall, Esq., of Nevada Legal Services,

1 Inc., moves this Court for an Order extending time to serve the Summons and Complaint on the
2 Defendant Rene Richardson.

3 **POINTS AND AUTHORITIES**

4 **I. STATEMENT OF FACTS**

5 On June 14, 2021, Plaintiff filed her qui tam Complaint under seal. This Court previously
6 granted three Motions to Enlarge Time to Serve Summons and Complaint based on an extensive
7 1.5 year-long investigation by the Department of Justice while the Complaint was under seal.
8 Once the Department of Justice concluded its investigation and elected not to intervene, the
9 Court unsealed the Complaint and set a service deadline for March 9, 2023. Plaintiff then,
10 diligently, began service.

11 Earlier this year, Plaintiff successfully served Defendants Portola Del Sol Operator, LLC,
12 TMIF II Portola, LLC, and Apartment Management Consultants, LLC; however, Plaintiff has
13 experienced significant challenges surrounding the service of Defendant Rene Richardson.
14 Plaintiff hired Junes Legal Services, Inc. (“Junes”), to serve Defendant Rene Richardson, but the
15 initial attempt was unsuccessful. *See Exhibit 1*. Plaintiff then began conducting significant
16 research regarding the whereabouts of Defendant Rene Richardson, but had to enlist the
17 assistance of Junes to perform a “skip trace” when internal research failed to produce any helpful
18 information. *Id.* The Junes skip trace also proved to be inconclusive based on Plaintiff’s limited
19 knowledge of her demographics and the common nature of her name. *Id.*

20 Based on these challenges, on March 7, 2023, Plaintiff filed a Motion to Extend Time to
21 Serve Defendant Rene Richardson, which the Court granted on March 8, 2023. Since the Court’s
22 March 8, 2023 Order, Plaintiff has diligently continued her efforts to serve Defendant Rene
23 Richardson. Junes attempted service at three local properties managed by Rene Richardson’s
24 previous employer, Defendant Apartment Management Consultants, LLC. *Id.* When the local
25 service attempts were unsuccessful, Plaintiff hired a Utah process server to attempt service at the
26 Apartment Management Consultants, LLC, headquarters in Utah. *Id.* The Utah service attempt
27 was also unsuccessful. *Id.*

1 Plaintiff recently reached out to counsel for Apartment Management Consultants, LLC,
2 and asked whether they would agree to accept service on Rene Richardson's behalf. *Id.* Plaintiff
3 is currently waiting for a response. *Id.*

4 **II. ARGUMENT**

5 Pursuant to Federal Rule of Civil Procedure 4(m), if a plaintiff shows good cause for the
6 failure to serve a defendant within 90 days, the court must extend the time for service for an
7 appropriate period. Good cause is present here, as Plaintiff has continuously attempted to serve
8 Defendant Rene Richardson, but has been unable to presently do so based on the difficulties
9 described above. Therefore, Plaintiff requests that this Court issue an Order to Enlarge Time to
10 Serve Summons and Complaint on Defendant Rene Richardson in this matter.

11 **CONCLUSION**

12 Wherefore, based on the above points and authorities and the attached Declaration of
13 Elizabeth S. Carmona, Esq., Plaintiff respectfully requests an Order enlarging time for service in
14 regards to Defendant Rene Richardson.

15 DATED this 6th day of July, 2023.

16 Respectfully Submitted,
17 **NEVADA LEGAL SERVICES, INC.**

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
ex rel. PEGGY THORNTON, Relator,

and

PEGGY THORNTON,

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v.

PORTOLA DEL SOL OPERATOR, LLC, a
foreign limited-liability company; TMIF II
PORTOLA, LLC, a foreign limited-liability
company; APARTMENT MANAGEMENT
CONSULTANTS, LLC, a foreign limited
liability company, and RENE
RICHARDSON, as AGENT of PORTOLA
DEL SOL OPERATOR, LLC.

Defendants.

FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)(2)

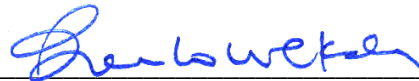
No.: 2:21-CV-01123 -APG-BNW

ORDER TO ENLARGE TIME TO SERVE
SUMMONS AND COMPLAINT – 5th
REQUEST

Upon consideration of the declaration of Plaintiff and good cause appearing,

IT IS HEREBY ORDERED that time within which to serve Defendant Rene
Richardson with the Summonses and Complaint is extended to **October 7, 2023**.

DATED: July 7, 2023.



United States Magistrate Judge

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EXHIBIT 1

I declare under penalty of perjury that the foregoing is true and correct:

1. On December 27, 2022, Junes Legal Service, Inc. (“Junes”), attempted service of Defendant Rene Richardson. This attempt was unsuccessful.
2. I then began researching Defendant Rene Richardson’s whereabouts online, but was unable to find out any helpful information that would aid in service.
3. In February 2023, I requested that Junes conduct a “skip trace” on Defendant Rene Richardson.
4. Junes responded to my request and informed me that they experienced “84 hits by the name Rene Richardson in Las Vegas.”
5. Junes then attempted service at three local properties managed by Rene Richardson’s previous employer, Defendant Apartment Management Consultants, LLC.
6. When the local service attempts were unsuccessful, I hired a Utah process server to attempt service at the Apartment Management Consultants, LLC, headquarters in Utah. The Utah service attempt was also unsuccessful.
7. We have been diligent in our efforts to attempt service of Defendant Rene Richardson.

Executed on this 6th day of July, 2023.

A handwritten signature in black ink, appearing to read 'ELIZABETH S. CARMONA', written in a cursive, flowing style.

ELIZABETH S. CARMONA, ESQ.